THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.Nos.12512 and 15573 of 1996

Date:27.02.2006

W.P.No.12512 of 1996

Between:

N.Anki Reyddy

-------PETITIONER

AND

The Mandal Revenue Officer and another.

---------RESPONDENTS

W.P.No.15573 of 1996

Between:

Smt.Patnam Vengamma

-------PETITIONER

AND

The Mandal Revenue Officer and others.

---------RESPONDENTS

COMMON ORDER:

These two writ petitions relate to a dispute in relation to an extent of Acs.5.30 cents of land in Sy.No.1177-2 of Ananthampalli Village of Pullampeta Mandal, Kadapa District.

For the sake of convenience, the parties are referred to as arrayed in

W.P.No.15573 of 1996.

The fifth respondent by name N.Anki Reddy was assigned the above referred property way back in the year 1970. He brought the same under cultivation and his name was entered in the concerned revenue records. He is said to have been issued pattedar pass books and other records in respect of the land. He filed W.P.No.12512 of 1996 alleging that the Mandal Revenue Officer and one Chinna Venkataiah, the husband of the third petitioner, started interfering with his possession. He sought for a writ of *Mandamus* directing them not to interfere with his possession.

The petitioners in W.P.No.15573 of 1996 claimed that they have been assigned various extents of land out of Acs.5.30 cents *vide* proceedings, dated 25.04.1992, by the first respondent and that respondents 5 and 6 are interfering with their possession of the land. They complain that though they were assigned the land way back in the year 1992, the first respondent and the Village Administrative Officer, the fourth respondent, did not enter their names in the revenue records. They seek appropriate directions in this regard.

The first respondent filed a counter-affidavit. It is stated that the fifth respondent was assigned the land way back in the year 1970 and the same land was assigned to the petitioners in the year 1992 in smaller extents. It is stated that the names of the petitioners could not be incorporated in the revenue records, since the name of the fifth respondent is found in respect of that land. A spot inspection was said to have been conducted subsequent to the filing of the writ petitions and it is reported that the sixth respondent is said to be cultivating the land on behalf of the fifth respondent, who stays at Hyderabad for treatment.

Heard the learned counsel for the petitioners in both the writ petitions and the learned Government Pleader for Assignment.

These cases disclose as to how the then Mandal Revenue Officer had played fraud on the petitioners as well as the fifth respondent. But for his illegal, highhanded and arbitrary action, the present litigation would not have taken place. Had this Court known as to whether the said incumbent is in service and if so where he is working, the feasibility of initiating proceedings against him would have been considered.

It is a matter of record that the fifth respondent was assigned the land in question

way back in the year 1970. If the revenue authorities found that the assignee has violated any condition and that the assignment deserves to be cancelled, it is always open to them, to issue notices and ultimately to cancel the assignment, depending on the nature of explanation. Even while the assignment in favour of the fifth respondent was subsisting, the first respondent has proceeded to assign the bits of that very land in favour of the petitioners. Inasmuch as the revenue records reflected the name of the fifth respondent, further steps in the matter of incorporation of the names of the petitioners could not be undertaken. For all practical purposes, it can be assumed that the then Mandal Revenue Officer has played fraud on the petitioners by granting assignments, which cannot be worked out at all.

Once it emerges that the assignments in favour of the petitioners cannot be enforced in law, the relief claimed by the fifth respondent deserves to be granted. So far as the petitioners are concerned, it can be directed, that their cases be considered, for assignment of any other piece of land depending on their eligibility and availability of land.

For the foregoing reasons, **W.P.No.12512 of 1996** is allowed. It is held that as long as the assignment in favour of the petitioner in that writ petition is subsisting, his possession cannot be interfered with, either by the revenue officials or any others.

The relief claimed by the petitioners in **W.P.No.155773** of 1996 cannot be granted since the assignments granted in their favour are in respect of the land, which was already assigned to the fifth respondent therein. Hence, the writ petition is dismissed. It is, however, made clear that the case of the petitioners shall be considered for assignment of any other land, if available in the village, after verifying their eligibility.

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27.02.2006

kdl